

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Minutes
26/27 October 2006
481st Regular Meeting
11020 Sun Center Drive, #200
Rancho Cordova, CA 95758

THURSDAY – 26 OCTOBER 2006

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Al Brizard, Kate Hart, Dan Odenweller, Soapy Mulholland, and Christopher Cabaldon, Members.

STAFF PRESENT

Pamela Creedon, Ken Landau, Jack DelConte, Loren Harlow, Frances McChesney, Kiran Lanfranchi-Rizzardi, Michele DeCristoforo, Diana Messina, Janice Tanaka, Dave Carlson, Douglas Wachtell, Loren Harlow, JoAnne Kipps, Wendy Wyels, Guy Childs, Tim O'Brien, Mark List and Anne Olson, and Kelly Briggs

OTHERS PRESENT

Greg Brehm
Larry Parlin
Melanie Sengupta
Thomas Harter
Andrew Fulks
Sue Fields
Bill Jennings
Joseph J. Cech, Jr, Ph.D
Tony Garvin
David Phillips
James Marnatti
David Zweig
Warren Tellefson
Rick Black

Dave Wenig
Jose Gutierrez
Jim Silva
Steve Reynolds
Michael Dunn
Brett L. Cooper
Keith Cochrane
Don Brown
George Harris
Michael Dunn
Stephen Onstot
Jim Bernotte
Richard Price
Roberta Gulad

BOARD MEMBER COMMUNICATION

Dan Odenweller reported that he had attended Salinity Task Force meetings with Dr. Longley, the Irrigated Lands Program Technical Issues Committee meeting on 23 October, and the CalFed Science Conference this week.

Kate Hart reported having lunch with David Guy of NCWA and discussing the mercury TMDL, and attended the Yosemite Law Conference at Tenaya Lodge which included a presentation on pharmaceuticals in wastewater.

Dr. Longley attended the Salinity Task Force meetings, met with Assembly staffers regarding salt, spoke with the Sacramento Bee regarding salt, and spoke with the Fresno Bee regarding E. Coli.

Al Brizard attended a drainage consortium meeting regarding studies on the San Joaquin River Dissolved Oxygen problems.

Chairman Schneider will attend the Water Quality Coordinating Committee meeting next Monday and Tuesday and hopes all Board members can attend, particularly the environmental justice session which he helped coordinate.

EXECUTIVE OFFICER'S REPORT

Al Brizard asked if the Hilmar Cheese (Item 10) public outreach plan review was complete. Ms. Creedon reported that the plan was complete and finalized, and was posted on the Regional Board web site.

Mr. Brizard asked for an update on French Bar (Item 47). Ms. Creedon stated that engineering funding had been received. Jack Del Conte reported that the developer has started erosion control work, and that staff is working with the District Attorney in case the developer does not satisfactorily complete the corrective action.

Chairman Schneider asked about follow-up on environmental justice issues from a previous Board meeting. Ms. Creedon reported that she and Loren Harlow had met with local interest groups to discuss their issues. Dr. Longley reported that he has a meeting scheduled with the interested parties next month, and that funding for infrastructure improvements is a major problem.

PUBLIC FORUM

Warren Tellefson, Central Valley Clean Water Association, presented information to the Board on the laws concerning water softeners.

2007 Board Calendar

Tentative dates for the 2007 Board meetings were given to the Board Members. This will be finalized at the December Board Meeting

NPDES PERMITS

University of California (UC), UC Davis Center for Aquatic Biology and Aquaculture, Yolo and Solano Counties – *Consideration of NPDES Permit Renewal*

A public hearing was held. Diana Messina and Dave Carlson presented the staff report. Steve Giles, Tony Garvin, David Philips and Joseph Ceha gave additional testimony.

This item was continued to a future Board Meeting to consider Salinity limits and monitoring.

ENFORCEMENT

Coffee Petroleum, Inc., Coffee Lease, Round Mountain Oil Field, Kern County – *Consideration of Cleanup and Abatement Order*

A public hearing was held. Douglas Wachtell presented the staff report. Brett L. Cooper and Loren Harlow provided additional testimony

MOTION: By Dr. Longley seconded by Mr. Cabaldon to approve the Cleanup and Abatement Order. Unanimously approved.

City of Livingston, Industrial Wastewater Treatment Facility – *Consideration of Cease and Desist Order*

Board member, Mr. Al Brizard recused himself from this item.

A public hearing was held. Joanne Kipps presented the staff report. Bert Van Voris, Loren Harlow, Stephen Onstot, Bill Jennings and Jim Bernotte presented additional testimony.

MOTION: By Ms. Mulholland seconded by Dr. Longley to approve the Cease and Desist Order. Approved with a vote of 6-0-1. Mr. Odenweller abstained.

Delta Long Term Management Strategy for Dredged Material in the Delta (LTMS)

Sue McConnell presented the staff report. Mr. Bill Jennings and Roberta Gulad also spoke on this subject. The Board agreed that the Chair should sign the draft LTMS charter.

Napa Berryessa Resort Improvement District, Wastewater Treatment System, Napa County - *Consideration of a Cease and Desist Order and Connection Ban*

A public hearing was held. Guy Childs and Wendy Wyels presented the staff report. Nate Galambes, Russell Lee, David Harbin, Darryl Nix, Bill Jennings, Hank Howard and Michael Dunn presented additional testimony.

MOTION: By Mr. Brizard seconded by Dr. Longley to approve the Cease and Desist and Connection Ban. Unanimously approved by roll call vote.

Board Member Christopher Cabaldon left for the day.

WASTE DISCHARGE REQUIREMENTS

Oakwood Lake Water District and Beck Properties, Inc., Wastewater Treatment Facility, San Joaquin County - *Consideration of Revised Waste Discharge Requirements*

A public hearing was held. Mark List, Tim O'Brien and Wendy Wyels presented the staff report. Mike Campos and Bill Jennings presented additional testimony.

MOTION: By Dr. Longley seconded by Ms. Hart to approve the Revised Waste Discharge Requirements. Unanimously approved.

The Rumsey Band of Wintun Indians, Cache Creek Golf Club Water Reclamation Project Yolo County – *Consideration of Waste Discharge Requirements*

Board Member Kate Hart recused herself from this item.

A public hearing was held. Anne Olson, Mark List and Wendy Wyels presented the report. David Sweig and Bill Jennings presented additional testimony.

MOTION: By Dr. Longley seconded by Mr. Brizard to adopt the Waste Discharge Requirements. Unanimously approved.

The Board met in closed session to discuss ongoing litigation.

The meeting adjourned at 4:20 pm and continued to the Friday session.

FRIDAY – 27 OCTOBER 2006

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Al Brizard, Kate Hart, Dan Odenweller, and Soapy Mulholland, Members.

STAFF PRESENT

Pamela Creedon, Ken Landau, Jack DelConte, Frances McChesney, Kiran Lanfranchi-Rizzardi, Dave Carlson, Michelle DeChristoforo, Janice Tanaka, Amy Terrel, Kelly Briggs, Bill Croyle, James Pedri, Jim Rohrbach, James Barton, Antonio Vorster, Brian Newman, Wendy Cohen, Bill Croyle, and Bryan Smith.

OTHERS PRESENT

Dave Means	John Troiano
Meluin Elmore	James Gallagher
Kunt Seez	Ric Murphy
Richard Estabrook	Chris Fischer
Harold A. O'Neil	Tina Lunt
Irvin Brown	Gabrielle Kirkland
Lisa Quagliaroli	Carol Marin
Joel S Miller	Vernon Ward
Robert G. Henry	Joel S. Miller
Maryann Khosra	James Haerter
Lillian Lego	Terri Yarbrough
Paul Turek	Laura Jameson
Ruth Cayabyab	Bruce Carlsen
Robert L Mack	Tim Johnson
Russ Montgomery	Sharon Elmero
Ross Montgomery	Alexander Schriener
Laurence Crabtree	Chris Sanders
Robert Curry	Barbara McBride
Gene Preston	Peggy Riser
Michelle Berditschersky	Theodore Martinez
Bill Jennings	Brian Shillinglaw
John Sanders	Jeff Pylman
Mark Rentz	Sean Hagerty
Maryam Khosravifard	Frank Guinta
James Ramsey	Tom Wilson
Juan Gomez	Juan Motta
Dorothy Mack	Richard Price
Richard Black	

BOARD MEMBER COMMUNICATION

Dr. Longley reported the following meetings:

- On 26 September, met with Steve Macaulay (CUWA), Jerry Meral (National Wildlife Federation), and Steve Boccadoro (Dairy CARES) of the Salinity Committee regarding the 30 November salinity-planning meeting.
- On 28 September, Salinity Planning briefings were provided to Dan Nelson (San Luis-Delta Mendota Water Authority), Steve Chidester (San Joaquin River Exchange Contractors), and Alan Short and Walter Ward (Modesto Irrigation District).
- On 2 October, met with Anthony Barkett (Stockton attorney) and John Herrick (South Delta Water Agency), DeeAnne Gillick (Neumiller, and Beardslee), Karna Herrigfeld (Herum, Crabtree and Brown).
- On 5 October, met with Mike Lynch and Holly King at the Great Valley Water Center.
- On October 11 Fresno Channel 47 regarding significance of E. Coli outbreak (not speaking as a Board member).
- On 15 October, met with County of Fresno.
- On 25 October, met with Gail Delihant, legislative director with Assemblyman Aghazarian, Heather Halsey (principle consultant for the Senate committee on safety and toxic materials), the principle consultant for the Assembly Parks and Wildlife Committee, the principle consultant for Assemblyman George Plescia, Bill Craven Water Committee Principal Consultant.

- 23 October gave statement to Tom Phillips, Sacramento Bee Reporter.
- On 26 October, met with Bill Jennings (CSPA).

Dr. Longley also reported that the final contract for salinity studies has been approved. A subcontract is being worked on for public education and outreach. Work is well underway on getting the Central Valley salinity group going. Two organizations are envisioned: a Salt Commission to conduct studies, and a 501(c)(6) Coalition. Staff is working on a salinity strategy under existing policy to be presented shortly.

Dan Odenweller reported having dinner with Bill Jennings and discussing obtaining depositions. The topic had previously been cleared with Counsel.

Soapy Mulholland said that she meets regularly with the Department of Fish and Wildlife regarding Land Trust issues, and not Regional Board issues.

EXECUTIVE OFFICER'S REPORT

The Executive Officer noted that information on the Hilmar Cheese Supplemental Environmental Project can be found at HilmarSEP.com, which will be linked to the Board's web site.

Musco Olives (Item 30). Frances McChesney noted that this is a pending matter before the Board, so discussion may have to be limited. Al Brizard asked about the current status of the facility. Ms. Creedon reported that the project has been transferred to Sacramento. Sacramento staff are currently reviewing the case, have inspected the site, and will be developing recommendations for future actions. Chairman Schneider said that the Board should work with the Department of Food and Agriculture on the Musco case.

Stanislaus Farm Supply (Item 21). Al Brizard asked what the "pilot project" was. Amy Terrell explained that groundwater is polluted from an ammonia tank leak and that procedures are being developed whereby groundwater can be extracted and used for crop irrigation. Crops would take up nitrogen from the pumped groundwater.

Irrigated Lands Report. Al Brizard asked for an update on membership lists received from the Coalitions. Kelly Briggs reported that lists had been received from all eight Coalitions. Three lists were complete. Five lists had some data gaps that we are trying to have filled before annual fee billings are mailed next month. Some Coalitions report that they are not turning in some names until December, which is a violation of the waiver – we need full lists. Legal Counsel is writing an opinion on the requirement to submit complete membership lists. Regarding NOVs for failure to submit Section 13267 Orders, the Executive Officer's Report said that there were 106 failures to respond to the NOVs, but that number has declined to 75.

Chairman Schneider noted much discussion in newspapers on E. Coli and the ag community's efforts on the issue. Bill Croyle reported that the Delta Coalition was working on DNA/RNA typing of E. Coli to identify the source of the E. Coli, and preliminary results would be available in about two weeks.

Kate Hart commented that all parties needed to work together and hold a healthy debate on the mercury issues in the Region.

OTHER BUSINESS

Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region – *Agricultural Commissioners Pilot Program Status Report, Butte and Glenn County.*

Richard Price and Rick Black updated the Board on the Pilot Program. Mark Rentz, Jeff Pylon and Bill Croyle also spoke. This was for the Board's information. No action was taken.

Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region – *Department of Pesticide Regulation - Ground Water Protection*

Mark Rentz and John Sanders gave the program overview. Tina Lunt, Gabrielle Kirkland, and Tim Johnson, also spoke. This was for the Board's information. No action was taken.

WASTE DISCHARGE REQUIREMENTS

Calpine Siskiyou Geothermal Partners, L.P. and CPN Telephone Flat, Inc. and U.S. Department of Agriculture, Forest Service and U.S. Department of Interior, Bureau of Land Management, Glass Mountain Unit Geothermal Exploration and Development Projects, Siskiyou County (revision) - *Consideration of Revised Waste Discharge Requirement.*

A public hearing was held. Jim Rohrbach presented the staff report. Bryan Smith, Jim Pedri, Bryan Shiillinglaw, Shawn Haggerty, Rich Esterbrook, Dr. Robert Curry, Bruce Carlson, Gene Preston, Theodore Martinez, Michelle Berditschsky, Peggy Riser, Sharon Elmore, Ross Montgomery and Chris Sanders gave additional testimony.

MOTION: By Mr. Brizard seconded by Dr. Longley to approve the revised Waste Discharge Requirements. Unanimously approved.

NPDES PERMITS

Clear Creek Community Services District, Water Treatment Plant, Shasta County - *Consideration of NPDES Permit Renewal*

A public hearing was held. Bryan Smith presented the staff report. Jim Pedri and Bill Jennings gave additional testimony.

MOTION: By Ms. Hart seconded by Ms. Mulholland to adopt the NPDES permit renewal. Unanimously approved.

ENFORCEMENT

Mr. Frank Guinta, Ms. Shari Guinta, Mr. James Ramsey and Ms. Marilyn Ramsey, Franks One Stop, San Joaquin County - *Consideration of an Administrative Civil Liability Order*

A public hearing was held. Jim Barton presented the staff report. Brian Newman, Frank Guinta, James Ramsey, Juan Motta, Tom Wilson and Dorothy Mack gave additional testimony.

MOTION: By Mr. Brizard seconded by Ms. Mulholland, to not adopt the Civil Administrative Liability. Approved with a vote of 4-1.

OTHER BUSINESS

Aerojet-General Corporation Site, Rancho Cordova, Sacramento County - *Overview of Cleanup*

THIS ITEM WAS POSTPONED TO A FUTURE BOARD MEETING

UNCONTESTED CALENDAR

NPDES PERMITS

Uncontested NPDES Permits

- a. Grizzly Lake Resort Improvement District, Delleker Wastewater Treatment Plant, Plumas County (renewal) **THIS ITEM WAS REMOVED FROM THE AGENDA**

WASTE DISCHARGE REQUIREMENTS

Uncontested Rescissions - R5-2006-0117

- a. Former B & C Hog Company, Alameda County, Order No. 75-90

- b. California Ammonia Company (CALAMCO), CALAMCO Stockton Terminal, San Joaquin County, Order No. 96-201
- c. Stockton Cogen Company, San Joaquin County, Order No. 5-01-119

Uncontested Change of Name and/or Ownership R5-2006-0118

- a. Fritz Bailey, Yosemite-Mariposa KOA Wastewater Treatment Facility, Mariposa County, Order No. 87-032
- b. Wellhead Services, Inc., Fresno Cogeneration Partners, L.P., Fresno County, Order No. 90-216
- c. Teircheira Brothers Dairy, San Joaquin County, Order No. 94-041
- d. Costa Dairy, Merced County, Order No. 94-217
- e. Tomato Processing Plant, Merced County, Order No. 95-227
- f. Judith Koehler, dba, Golden Oaks Mobile Home Park, Butte County, Order No. 5-00-046
- g. Dixon Pit Landfill, Sacramento County, Order No. 5-00-186
- h. Yosemite Valley Beef, Yosemite Valley Beef Packing Plant, Merced County, Order No. 5-01-023

Uncontested Waste Discharge Requirements

- a. County of Glenn and Patrick Foley, Trustee, Coleman Marital Trust, Operation, Evaluation Monitoring, and Corrective Action, Glenn County Class III Municipal Solid Waste Landfill, Glenn County **R5-2006-0119**
- b. Timber Management Services, Inc., Closure and Post Closure Maintenance, Twin Bridges Class II Landfill and Class II Surface Impoundment, Shasta County **R5-2006-0120**
- c. ~~City of Gridley, Gridley Wastewater Treatment Plant, Butte County~~
THIS ITEM WAS REMOVED FROM THE AGENDA
- d. ~~Grizzly Creek Golf, LLC, Grizzly Creek Golf Course Irrigation, Plumas County~~
THIS ITEM WAS REMOVED FROM THE AGENDA
- e. The Rumsey Band of Wintun Indians, Cache Creek Golf Club Water Reclamation Project, Yolo County **R5-2006-0121**
- f. Chemical Waste Management, Inc., Class II/III Landfill B-19, Bioreactor and Control Unit, Class II/III Landfill B-17, Kettleman Hills Facility, Kings County **R5-2006-0122**

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Dr. Longley seconded by Mr.
Brizard to adopt the uncontested orders.
Unanimously approved.

The Board met in closed session to discuss ongoing litigation.

The meeting was adjourned at 6.08 p.m. to the December 2006 Board Meeting.